

**United States Marshals Service  
FY 2022 Performance Budget  
President's Budget Submission**

**Federal Prisoner Detention  
Appropriation**



**May 2021**

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## **I. Federal Prisoner Detention (FPD) Overview**

### **A. Introduction**

The United States Marshals Service (USMS) Federal Prisoner Detention (FPD) appropriation provides housing, transportation, and care for Federal detainees housed in non-Federal detention facilities. The USMS requests a total of 42 positions, 38 full-time equivalent (FTE), and \$2,170,015,000 for FPD in FY 2022.

<b>USMS Federal Prisoner Detention</b>			
	Positions	FTE	Amount (\$000)
FY 2020 Enacted	27	24	\$1,867,461
FY 2021 Enacted with Supplemental	33	30	\$2,171,609
FY 2022 Request	42	38	\$2,170,015

For information technology (IT), the request includes three positions, two FTE and \$23,896,000 for base IT activities as reported in the Agency IT Portfolio Summary. The USMS is requesting a program enhancement of \$12,193,000 for IT to modernize, replace, and consolidate outdated prisoner management information systems. The IT resources provide for support staff; hardware; applications providing access to electronic Intergovernmental Agreements (eIGAs), detention facility information, facility contract information, and prisoner movement; telecommunications services; mission modernization (Capture); and other IT-related services.

### **B. Background**

The FPD appropriation pays for costs associated with the care and custody of Federal detainees in private, state, and local facilities. The sole purpose of the FPD appropriation is detention. The USMS is required to house all prisoners remanded to the custody of the Attorney General and must ensure sufficient resources are available to house and care for its detainees.

The FPD estimated budget requirement for any given fiscal year is based on the most current information available regarding the detainee population at the time. During FY 2020, the USMS experienced significant turbulence in the prisoner population stemming from the COVID-19 pandemic. Although the prisoner population fluctuated abnormally during FY 2020, the population stabilized and gradually returned to pre-pandemic levels during the fourth quarter and beginning of FY 2021.

To develop the FY 2022 request, the USMS carefully examined population projections; known law enforcement and prosecutorial trends such as the continued focus on the Southwest Border

(SWB) region; and the potential impact of Administration and Attorney General initiatives involving criminal justice system reform.

Law enforcement and prosecutorial priorities directly impact USMS detention resource needs, as increases in arrests and prosecutions lead to increases in the FPD Average Daily Population (ADP). Linking these priorities to detention funding requirements is essential to provide Congress with accurate population projections and budgetary resource needs. While the budget request reflects known priorities established within the DOJ, it does not reflect program increases that other law enforcement or litigating components may receive in the FY 2022 budget process. If priorities change in any significant manner, then this budget request may not fully account for detention funding requirements.

**Projecting the Prisoner Population:** Projecting the detention ADP is a challenging exercise due to the complexity and dynamic nature of the variables used to calculate projections. For example, detention projections are calculated using reliable trend analyses comprised of several leading indicators that are factored into the projection with a significant degree of accuracy, such as booking offense, time-in-detention, law enforcement and attorney staffing levels. However, other influences (frequently established outside of the budget process) can have substantial impact on detention needs, such as special law enforcement and prosecutorial initiatives. The COVID-19 pandemic is a prime example of the varied factors that cannot be predicted in a forecasting model but which may impact detention when realized. For this reason, population projections are in a constant state of flux and require periodic adjustments. Despite the complexities of projecting the detention population, building the budget request using current patterns and trends keeps the budget in alignment with detention requirements.

**USMS FPD Average Daily Population and  
Prisoners Received, by Primary Offense  
FY 2013 – 2022**

<u>Fiscal Year</u>	<u>Total ADP</u>	<u>Total Prisoners Received</u>	<u>Immigration</u>	<u>Drugs</u>	<u>Weapons</u>	<u>Other</u>
2013	59,219	222,504	98,027	28,382	8,305	87,790
2014	55,170	204,633	82,178	24,525	7,578	90,352
2015	51,777	196,662	71,402	24,970	8,365	91,925
2016	51,316	197,498	68,743	25,921	9,248	93,586
2017	50,317	187,356	58,282	25,579	10,587	92,908
2018	55,776	239,505	108,650	25,511	12,092	93,252
2019	61,435	250,619	118,393	27,382	12,999	91,845
2020	61,571	153,855	52,208	23,218	9,177	69,252
2021*	61,115	153,664	47,116	24,275	9,543	72,730
2022*	57,627	181,732	64,086	25,472	9,582	82,592

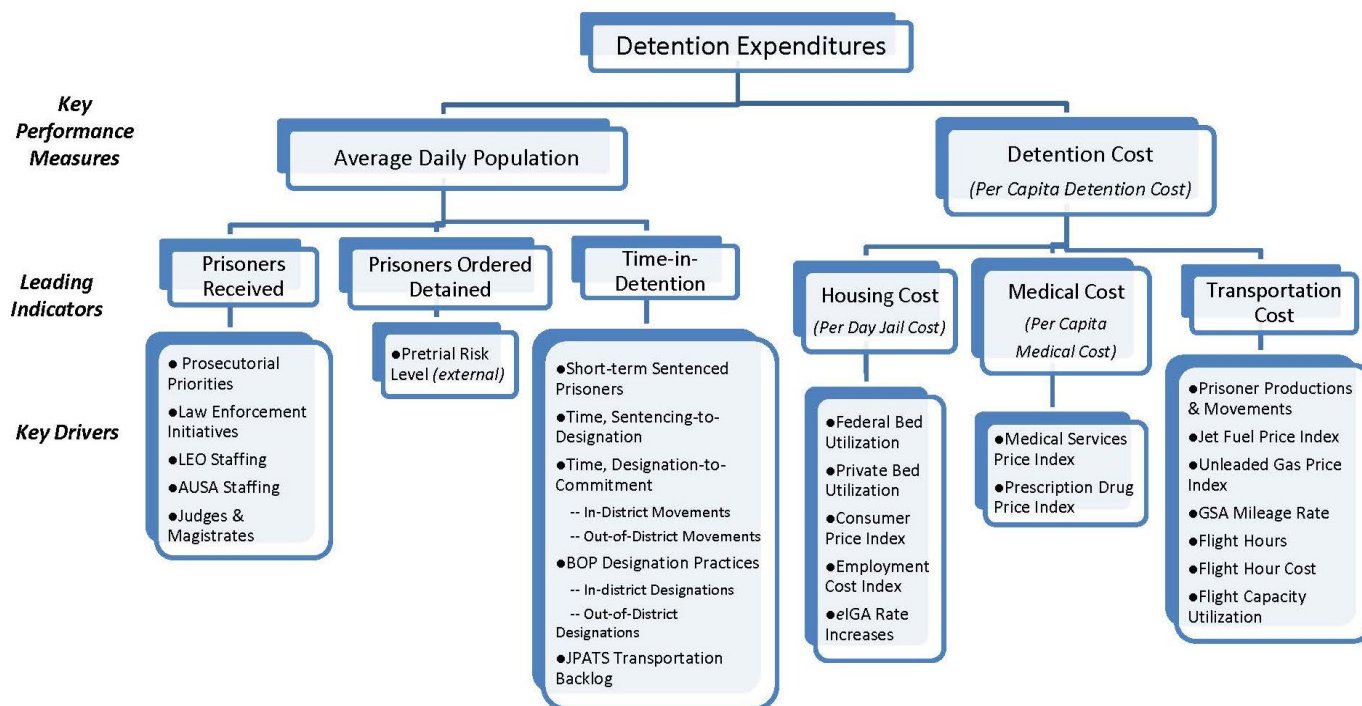
\* Data shown for FY 2021–2022 reflect FPD projections as of March 2021. All other data shown are actual.

**Detention Population Forecasting Model:** The USMS uses a statistical approach to predict detention needs. The Detention Population Forecasting Model incorporates factors such as population, demographic trends, number and type of criminal cases processed, average processing time per type of case, and authorized/requested positions of Federal law enforcement, U.S. Attorneys, U.S. District Court judges, and immigration judges. These factors allow for the development of impact scenarios that address proposed legislation, known DOJ law enforcement initiatives, and current activities. The USMS bases detention projections on past performance and the behavior of all variables involved; any shift may alter the outcome.

The detention population projection for FY 2022 is a particularly challenging assessment. The long-term trend from FY 2013 to FY 2017 reflected decreasing counts of prisoners received for prosecution, and overall ADP fell to a 13-year low of 50,317, largely as a result of changes in prosecutorial practices and priorities, and enacted funding levels for Federal law enforcement agencies. Conversely, population increases from FY 2018 through March 2020 reversed the previous downward trend. Prosecutorial activity substantially increased during this period, particularly due to changes in Administration and prosecutorial priorities.

In FY 2020, after consistent growth during the first half of the year, the detention population declined rapidly for several months as the number of prisoners received decreased abruptly following the onset of the COVID-19 pandemic. However, the USMS has observed an increasing ADP during the fourth quarter of FY 2020 and into FY 2021.

### Primary Drivers of Detention Expenditures

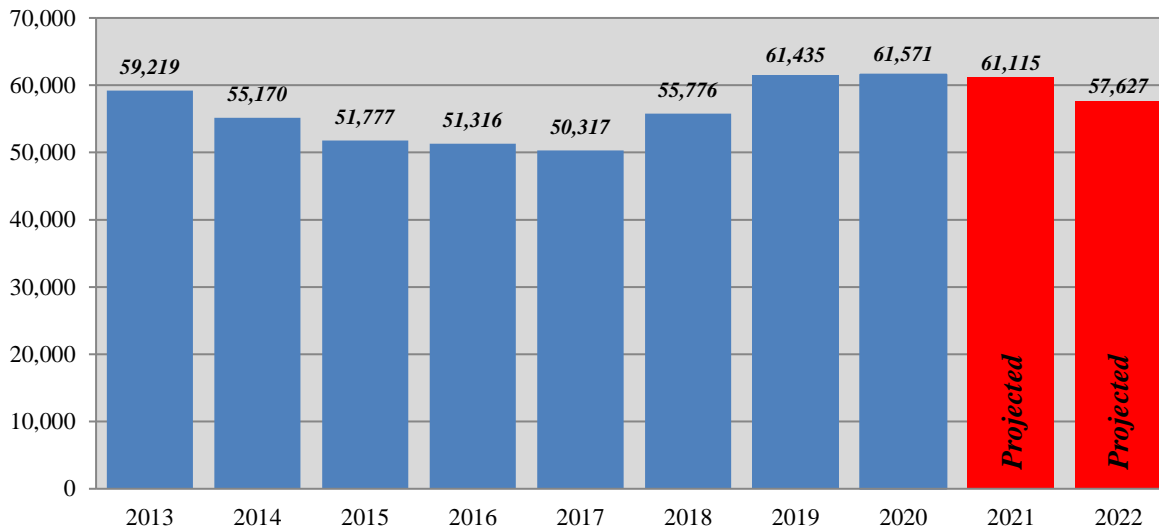


In the chart above, the two main factors influencing detention expenditures are the number of prisoners booked by the USMS (prisoners received) and the duration those prisoners are detained (time-in-detention). Both factors are directly influenced by activities and decisions throughout

Federal law enforcement components, U.S. Attorneys offices, and the Federal judiciary. Accordingly, the USMS regularly monitors – and tries to anticipate – changes in Federal law enforcement priorities and the number of onboard staff.

**Current Trends – Prisoner Population and Prisoners Received:** In 2017, annual ADP reached a 13-year low of 50,317. From April 2017 through March 2020, ADP increased rapidly due in large part to Departmental policy changes and new law enforcement and prosecutorial initiatives. The annual ADP for FY 2020 was 61,571 – an increase of 22 percent from the 2017 low point. Current projections indicate that the detention population will be 61,115 during FY 2021. For FY 2022, the USMS budget request assumes a sustained level of drug and weapon offenses as a result of targeted law enforcement efforts to reduce violent crime and combat illegal drugs as well as a marginal increase in SWB immigration bookings. The FY 2022 ADP projection is 57,627.

**USMS Annual Average Daily Population  
FY 2013 – 2022**



\* Data shown for FY 2021–2022 reflect FPD projections as of March 2021. All other data shown are actual.

The SWB continues to be a focal point of Federal law enforcement in FY 2022. Historically, immigration enforcement initiatives along the SWB have had a significant impact on the detention population and USMS workload. At peak enforcement levels, immigration offenders comprised almost 50 percent of all persons received by the USMS. During FY 2020, almost half of all prisoners the USMS received were in the five SWB judicial districts (Arizona, Southern California, New Mexico, Southern Texas, and Western Texas).

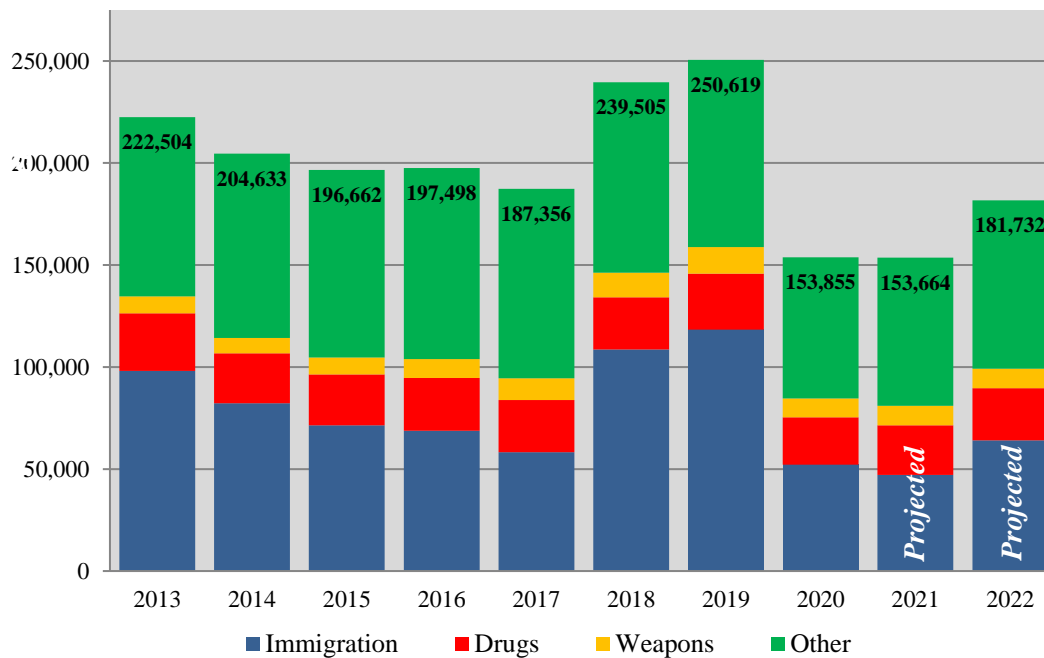
First-time immigration offenders facing criminal prosecution generally spend minimal time in USMS detention, with relatively little effect on ADP. For example, misdemeanor offenders accounted for almost two-thirds (53 percent) of the prisoners received for immigration violations through FY 2020. However, the FY 2020 ADP of 1,240 for those offenses was only 10.4 percent of immigration ADP and two percent of overall ADP. If immigration enforcement initiatives lead to future changes in prosecution, court operations, or adjudication patterns (i.e.,

longer time-in detention for misdemeanor offenses or a significant increase in felony immigration prosecutions), costs for criminal detention attributable to immigration offenses could increase rapidly.

Starting in the fourth quarter of FY 2017, the USMS began to see an increase in the number of prisoners received, particularly in immigration offenses. Between FY 2017 and FY 2020, the number of prisoners USMS received for a primary offense related to immigration decreased by around 10 percent, from 58,282 to 52,208. The USMS anticipates this number will decrease by nearly 10 percent from 52,208 to 47,116 in FY 2021 and increase by 36 percent from 47,116 to 64,086 in FY 2022 returning to pre-pandemic levels.

The USMS projects to receive a total of 181,732 prisoners for all primary offense types during FY 2022, an increase of 18 percent from the FY 2021 projected total of 153,664.

**USMS Prisoners Received by Offense  
FY 2013 through 2022**



\* Data shown for FY 2021–2022 reflect FPD projections as of March 2021. All other data shown are FY actuals.

**Funding Issues:** Planning for detention requirements is a significant challenge. While past requirements and trends are easily observed, accurate prediction of future needs is challenging. Detention requirements are dependent on multiple variables; therefore, the USMS recalculates its projection throughout the budget development process to remain consistent with currently observed population and cost increases. Because the USMS has little or no control over the outside factors that impact the FPD appropriation, the USMS primarily focuses on efficiencies and reducing detention costs. In 2019, the USMS implemented immediate, short-term, and long-term initiatives designed to maximize the cost-effectiveness of detention program operations.

**Cost Mitigation Initiatives:** The USMS developed strategies to reduce expenses without adversely affecting operations. The following are a few of the efficiency plan actions that began since FY 2019:

- **Increased utilization of Federal Bureau of Prisons (BOP) detention bedspace.** USMS collaborated with BOP to secure a temporary allocation of additional pre-trial beds at previously unused Federal facilities. A new Memorandum of Understanding was implemented to memorialize this decision. This realignment of beds ensures greater usage and reduces the cost of detention beds for the USMS.
- **Shift prisoners to lower cost facilities when operationally feasible.** The USMS managed its detention populations by shifting prisoners to lower cost detention facilities after sentencing and while awaiting future court dates. This practice also will likely free up court beds closer to the district's Federal courthouse.
- **Expedite movement of sentenced prisoners.** The USMS continued its partnership with the BOP and the Justice Prisoner and Alien Transportation System (JPATS) to move sentenced prisoners expeditiously into BOP designated facilities. The USMS requires partner agencies to provide the proper paperwork in a timely manner to move sentenced prisoners into BOP custody.

The USMS continues to modify operations to increase cost-effectiveness and respond to the evolving detention environment. Although ADP fluctuations are largely outside of USMS direct control, the USMS continues to coordinate acquisition of sufficient detention space in the most cost-efficient manner possible. This objective becomes more challenging in times when detention space availability is limited. The USMS continues to aggressively seek efficiencies by working with Federal, state, and local partners to manage bedspace requirements, as well as reduce contract costs. These measures help contain detention expenditures.

**Capital Improvement Program (CIP):** The CIP is a comprehensive program that addresses detention space needs in critical areas. The program offers various contractual vehicles to provide Federal funding to state and local authorities for renovation, expansion, or construction of jails or acquisition of equipment, supplies, or materials in exchange for detention bedspace.

The program consists of two parts: The Cooperative Agreement Program (CAP) and Non-Refundable Service Charge Contract (NSCC). CAP provides Federal resources to select state and local governments to renovate, construct, and equip detention facilities in return for guaranteed bedspace for a fixed period for Federal detainees in or near Federal court cities. The NSCC allows the USMS to directly contract with state and local governments providing up-front funding for renovation or construction of jails to house Federal detainees in exchange for guaranteed bedspace at a fixed rate. The program is subject to the guidelines set by the Federal Acquisition Regulation (FAR) and allows the USMS to meet Federal detention housing needs by directly investing resources into participating state and local facilities. The last CAP agreement was in FY 2010 when the Office of the Detention Trustee (OFDT), FPD's predecessor, entered into an Intergovernmental Agreement (IGA) with the State of Maryland to use up to 500 beds at the Maryland Correctional Adjustment Center (now

Chesapeake Detention Facility) through 2025 in exchange for a \$20,000,000 CIP award. The facility is near the Federal district court in Baltimore and provides dedicated, guaranteed detention space for prisoners held in USMS custody in the District of Maryland. Full utilization of the IGA at a fixed operating cost reduced the effective per diem rate from \$198 to \$131.

The USMS has 22 active CIP agreements that provide detention beds in critical areas. This program remains an essential tool for the USMS to acquire detention beds in areas with limited bedspace. The USMS is working to revitalize this program in FY 2021 and has identified several high-priority projects as well as potential future projects. This program will support USMS efforts to implement Executive Order (EO) 14006, which directs the Attorney General to discontinue DOJ contracts for the use of privately-operated criminal detention facilities.

**Detention IT Infrastructure:** The USMS is modernizing its IT infrastructure to maintain the business requirements for detention-related systems and to establish a new foundation for future requirements. The USMS Capture initiative, which began in FY 2016, includes the modernization, replacement, and consolidation of outdated prisoner management information systems. Capture has created operational efficiencies, provided new mobile computing capabilities, increased officer safety, and improved internal and external information sharing across USMS district offices and headquarters. The USMS is deploying Capture incrementally using an agile development framework.

The USMS continues to use IT to implement efficiencies through programs including eDesignate, which reduces post-sentencing time in detention; eIGA, which standardizes the pricing strategy for non-Federal detention space, controlling costs and providing greater certainty in rates to be paid; and the Quality Assurance Program, which ensures that private facilities meet DOJ requirements for safe, secure and humane confinement. Shared data and the integration of IT systems such as the USMS Justice Detainee Information System (JDIS) and the JPATS Management Information System (JMIS) are fundamental to these programs.

The eMove program, which provides a seamless transition from eDesignate to complete the full automation of the Sentence to Commitment (S2C) process, was the first module to transition to Capture in 2020. The eDesignate program will be the last module to transition to Capture in the first quarter of FY 2022.

### C. FY 2022 Request

The FPD account is defined by one program activity: Detention Services. The FPD request includes \$2,170,015,000 in appropriated resources for this activity.

**Full Program Cost:** Full program costs include resources for housing, care, and transportation of detainees as well as activities that help improve detention infrastructure and contain costs. Investment in detention infrastructure will enable the USMS to effectively drive efficiencies and manage the detention appropriation.

Full Program Cost for Detention Services		
Program Category	Description	Amount (\$000)
Housing & Subsistence	For housing and subsistence of detainees	\$1,852,822
Health Care Services	For health care	\$147,582
Medical Guards	For medical guards	\$46,027
Transportation	For transportation costs	\$88,272
Detention Program Management, Support Services, and IT Systems	For detention program management, support services, and IT systems	\$33,468
Incidental Costs	For costs associated with prisoner housing and transportation such as prisoner meals while in transit, prisoner clothing, and parking for government vehicles	\$1,844
Total Request		\$2,170,015

**Adjustments-to-Base (ATBs):** FPD's base adjustments reflect an increase of \$339,000 for pay and benefits (including the annualization of FY 2021 positions), \$62,025,000 for inflationary cost increases associated with detention-related services, and a decrease of \$26,828,000 for the population adjustment.

Beginning in FY 2021, the USMS request reflects changes in resource requirements for detainee housing and care as adjustments to base funding. Because the USMS has no control over the prisoner population, and all prisoners remanded to the Attorney General's custody by the judiciary must be detained, the ATB category seems most appropriate for population-related changes. The USMS cannot control the number of detainees or court case processing times; because the FPD appropriation supports a mandatory requirement of the Federal judicial process, this approach displays these costs as a necessary requirement to sustain detention operations.

**Program Increases:** FPD's program increases of \$87,870,000 reflect:

- An increase of \$75,000,000 to implement EO 14006, that directs the Attorney General to not renew Department of Justice contracts with privately operated criminal detention facilities.
- An increase of \$12,193,000 and two positions for support of ongoing efforts to develop and integrate technology solutions that modernize detention-related systems and operational information.
- An increase of \$677,000 and seven positions for expansion of the detention oversight office to ensure that detention facilities meet USMS standards of confinement with effective oversight and internal controls over agreements, transportation and guard contracts, and to manage detention reporting requirements.

**ADP Projections:** The USMS currently projects a baseline ADP of 57,627 for FY 2022, based on estimated bookings and time-in-detention. The ADP is directly related to the number of persons arrested by Federal law enforcement agencies coupled with the length of time defendants are detained pending adjudication, release, or subsequent transfer to the BOP following conviction and sentencing.

The USMS develops its budget using a statistical projection model based mainly on past behavior. The rapid population increases experienced in FY 2018 through March 2020 brought the FPD detainee population to an all-time record high. Although the impact of COVID-19 resulted in a rapid decline in the population, the increased population level has returned.

The FPD appropriation operates within a structure that offers little opportunity for economies of scale. Each additional prisoner received translates into a direct expenditure. For example, an additional three percent increase in the number of prisoners received for drug offenses projected for FY 2022 (764 additional prisoners) would result in a \$35,300,597 increase in detention expenditures. As the chart below demonstrates, an unplanned three to ten percent increase of prisoners received in the drugs, weapons, and immigration primary offense categories results in cost increases that are within historical boundaries.

Impact of Increase in Prisoners Received Beyond FY 2022 Population Projections				
Primary Offense Category / Increase	Prisoner Bookings		Total ADP	Projected Cost Increase
	Total	Variance from Projection		
Prisoners Received for Drug Offenses				
Baseline	25,472	---	57,627	---
+3%	26,236	764	58,562	\$35,300,597
+5%	26,746	1,274	59,185	\$58,834,328
+10%	29,293	2,547	60,743	\$117,668,656
Prisoners Received for Weapons Offenses				
Baseline	9,582	---	57,627	---
+3%	9,869	287	57,885	\$9,741,921
+5%	10,061	479	58,057	\$16,236,535
+10%	10,540	958	58,487	\$32,473,071
Prisoners Received for Immigration Offenses				
Baseline	64,086	---	57,627	---
+3%	66,009	1,923	57,970	\$12,944,848
+5%	67,290	3,204	58,199	\$21,574,747
+10%	73,699	6,409	58,770	\$43,149,495

Because the FPD account is subject to population fluctuations and other cost increases that are beyond its control, incorporating a risk assessment is a prudent approach to more accurately estimate the required funding level. The projected cost increases shown above for drug and weapons offenses are attributable to both longer time-in-detention (particularly as observed during the COVID-19 pandemic) and a higher per capita detention cost.

## **D. Sustainability**

The USMS has proactively sought ways to incorporate environmentally friendly practices into office operations. The USMS purchases recycled products (toner, paper, etc); utilizes recycling receptacles for used products; and encourages overall paper and energy reduction through policies on duplex copying and powering down computers and lights at the end of each day. The USMS' Prisoner Operations Division (POD) has transitioned to paperless technology and has automated its workflow processes in detention management services. All files are electronic. The USMS continues to develop programs to further address environmentally friendly practices that will reduce the impact on the environment and increase operating efficiency.

Additionally, the USMS supports environmental initiatives by educating its employees in "green" purchasing. All USMS purchase cardholders, contracting officers, and contracting officer's technical representatives completed specialized online training by Federal Acquisition Institute. All new USMS employees assigned to these positions must complete this training.

## **E. Challenges**

The two main challenges that will affect USMS and the FPD appropriation during FY 2022 are discontinuing private detention and responding to external influences on detention.

The USMS is currently implementing EO 14006, which directs the Attorney General to discontinue DOJ contracts for the use of privately-operated criminal detention facilities. Relocating the approximately 10,000 USMS prisoners currently housed in private detention facilities will require significant effort.

The USMS does not own or operate any detention facilities and is dependent on the availability of housing in facilities operated by other Federal, state, and local entities. Additionally, the USMS is responsible for the detention of prisoners while their court proceedings are ongoing; therefore, the USMS must locate alternative housing within reasonable proximity to the courthouse. Although the USMS has agreements with state and local governments to house USMS prisoners, bedspace in their facilities is only provided on an "as available" basis. The acquisition of additional bedspace under existing agreements can be challenging, but USMS is working to identify alternatives and implement this important policy.

External influences are an ongoing, and integral, challenge to management of the FPD appropriation. USMS detention resources and requirements are directly impacted by law enforcement and prosecutorial priorities and larger legislative changes such as immigration reform, SWB initiatives, and revisions to sentencing guidelines. For example, if immigration initiatives intensify, the USMS could experience a substantial increase in costs with limited bedspace in some areas of the SWB.

## II. Summary of Program Changes

Item Name	Description	Pos.	FTE	Dollars (\$000)	Page
<b>Private Detention EO Implementation</b>	Implementation of Executive Order 14006 to not renew USMS contracts for privately-operated criminal detention facilities.	0	0	75,000	29
<b>Information Technology Infrastructure</b>	Support ongoing efforts to develop and integrate technology solutions across the USMS that modernize detention-related systems and operational information.	2	1	\$12,193	32
<b>Program Oversight</b>	Strengthen oversight and internal controls over private detention contracts to ensure that detention facilities meet USMS standards of confinement and manage reporting requirements.	7	4	\$677	39
<b>Total Request</b>		<b>9</b>	<b>5</b>	<b>\$87,870</b>	

### **III. Appropriations Language and Analysis of Appropriations Language**

#### **UNITED STATES MARSHALS SERVICE FEDERAL PRISONER DETENTION**

##### **(INCLUDING TRANSFER OF FUNDS)**

For necessary expenses related to United States prisoners in the custody of the United States Marshals Service as authorized by section 4013 of title 18, United States Code, [\$2,046,609,000] \$2,170,015,000, to remain available until expended: Provided, That not to exceed \$20,000,000 shall be considered “funds appropriated for State and local law enforcement assistance” pursuant to section 4013(b) of title 18, United States Code: Provided further, That the United States Marshals Service shall be responsible for managing the Justice Prisoner and Alien Transportation System.

#### **Analysis of Appropriations Language**

No changes to appropriations language proposed for FY 2022.

#### IV. Program Activity Justification

<i>Detention Services</i>	<b>Direct Pos.</b>	<b>Estimate FTE</b>	<b>Amount</b>
2020 Enacted	27	24	\$1,867,461
2021 Enacted	33	30	\$2,171,609
Adjustments to Base and Technical Adjustments	0	3	-\$89,464
2022 Current Services	33	33	\$2,082,145
2022 Program Increases	9	5	\$87,870
2022 Request	42	38	\$2,170,015
<b>Total Change 2021-2022</b>	<b>9</b>	<b>8</b>	<b>-\$1,594</b>

<i>Detention Services</i> <b>Information Technology Breakout (of Decision Unit Total)</b>	<b>Direct Pos.</b>	<b>Estimate FTE</b>	<b>Amount</b>
2020 Enacted	1	1	\$15,176
2021 Enacted	1	1	\$16,503
Adjustments to Base and Technical Adjustments	0	0	-\$4,800
2022 Current Services	1	1	\$11,703
2022 Program Increases	2	1	\$12,193
2022 Request	3	2	\$23,896
<b>Total Change 2021-2022</b>	<b>2</b>	<b>1</b>	<b>\$7,393</b>

##### 1. Program Description

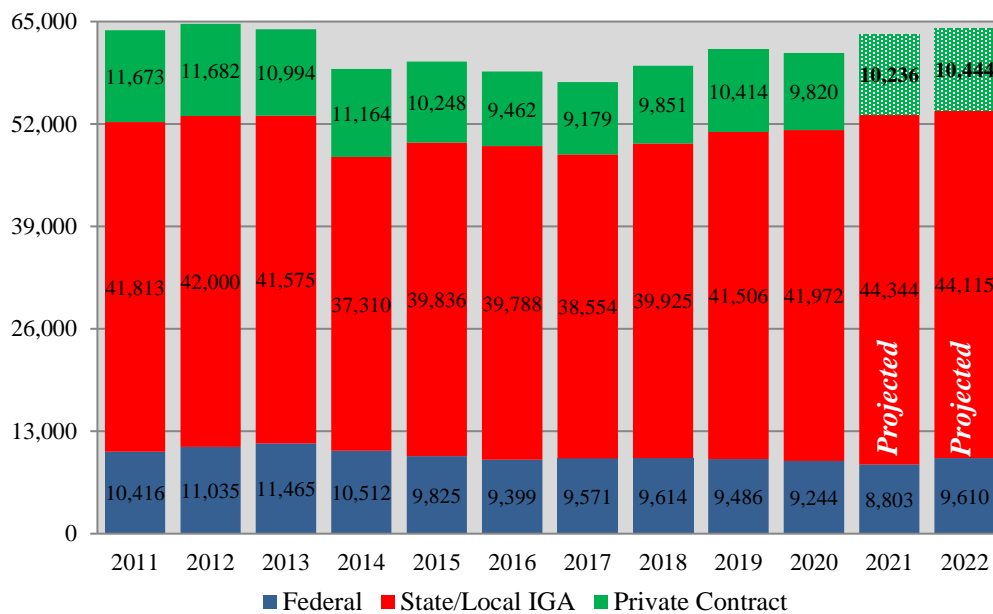
###### **Detention Services**

Detention resources provide housing, transportation, medical care, and medical guard services for Federal detainees remanded to USMS custody. The FPD appropriation expends resources from the time a prisoner is brought into the USMS custody until criminal proceedings are terminated and/or the detainee is committed to BOP.

The Federal government relies on various methods to house detainees. The USMS acquires detention bedspace for Federal detainees as effectively and efficiently as possible through:

- Federal detention facilities, where FPD uses BOP facilities for which the Federal government has already paid for construction and subsequent operation;
- Intergovernmental Agreements (IGA) with state and local jurisdictions that have excess prison/jail bed capacity and receive a daily rate for the use of a bed;
- Private facility contracts where a daily rate is paid per bed; and
- Capital Improvement Program, which includes the CAP and the NSCC, where capital investment funding is provided to state and local governments for guaranteed detention bedspace in exchange for a daily rate negotiated through an IGA.

**USMS Average Daily Detention Population by Type of Facility,  
FY 2013 through 2022**



Notes:

Detainee counts for medical bedspace are not included in the data shown above.

The projected FY 2021 and FY 2022 private contract population levels shown here were calculated prior to publication of EO 14006. The final ADP will be lower than these levels, and will depend on the timing of prisoner transfers to other facilities as private contracts are discontinued.

## Detention Management Services Automation

The USMS facilitates efficiencies through process automation by identifying opportunities, designing support solutions, and investing in IT infrastructure – integrating existing detention systems and services when appropriate. The primary operational mission systems for Federal Prisoner Detention are Capture and the Detention Services Network (DSNet).

**Capture:** In FY 2016, the USMS began to integrate required IT solutions with existing systems to maximize the government’s return on investment. Capture incorporates a comprehensive integration and improvement of all current USMS operational business and mission capabilities (automated and manual), a consolidation of operational data, and an improvement of operational

business processes at headquarters and in the field. This system optimizes national detention operations with well-established business practices that achieve cost effective, safe, secure, and humane confinement and transportation of prisoners.

Capture provides a new web-based solution that enables user access from multiple platforms (i.e., desktops, tablets, and mobile phones) in a manner which is intuitive for each distinctive USMS line of business. These enhancements aim to streamline detention operations and allow the USMS to leverage new operational efficiencies.

The following DSNet modules have migrated to Capture:

eMove: In 2008, the USMS implemented eMove in all 94 USMS districts in cooperation with JPATS. eMove provides a seamless transition from eDesignate to complete the full automation of the S2C process. It gives the USMS the ability to submit and monitor web-based movement requests to JPATS and streamlines the workflow among participating agencies by fully automating the Federal detainee transportation request process, thereby reducing the time from designation to commitment.

In February 2012, an eMove enhancement was released nationwide that enables districts to schedule and manage all in-district Judgment and Commitment (J&C) detainee moves. The module allows the USMS to submit routine out-of-district movement requests, such as Federal Writs, Attorney Special Requests, and Warrant of Removals, to JPATS. eMove enables districts to submit and manage all prisoner movement information seamlessly in one central system.

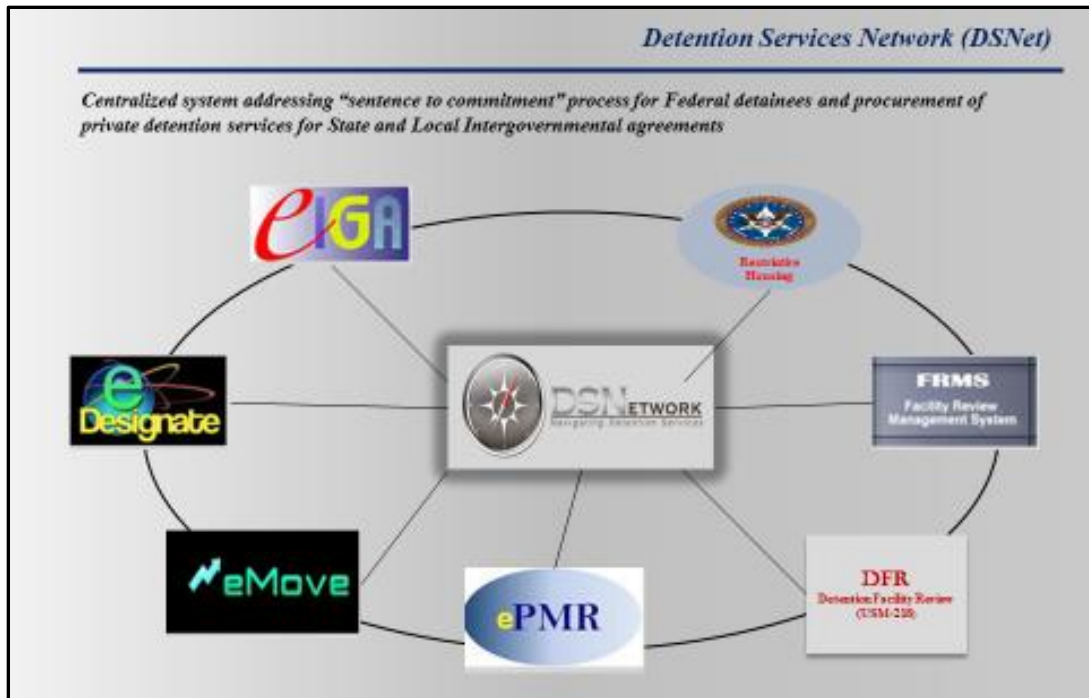
The USMS now centrally manages in-district moves, which allows the USMS to develop performance objectives and measure the operational effectiveness of prisoner movement. With this monitoring capability, the USMS can identify movements that minimize time-in-detention, thus reducing detention costs.

ePMR: ePMR was implemented in all 94 USMS districts in 2010 to provide a workflow for medical designations. The system streamlines and automates the approval process for requests for detainee medical services from USMS district offices to the Office of Interagency Medical Services (OIMS). ePMR eliminated a paper-based request and approval system and provided the ability to automatically capture relevant detainee data from other agency systems.

ePMR works seamlessly with existing systems and reduces the work associated with data entry, storage, and reduces costs associated with paper/printer usage. The electronic solution presents relevant data and documents in one complete package to OIMS at USMS headquarters at a single point in time. The system also provides feedback mechanisms across USMS offices for faster case resolution. Additionally, ePMR not only provides users within districts with a level of collaboration never before realized, but also enables managers to adjust workloads internally, monitor performance and audit status both internally and externally.

Detention Facility Review (DFR): The DFR application module automates the review of non-Federal facility reviews. The application allows easy, standardized recording of review results, which then can be summarized into reports for USMS management.

**DSNet:** This web-based system, which automates many of the processes required to manage prisoners, is being incrementally retired through FY 2021 concurrent with Capture deployment. Four DSNet modules are still in use: eDesignate, Electronic Intergovernmental Agreement (eIGA), Facility Review Management System (FRMS), and Restrictive Housing.



**eDesignate:** eDesignate is a secure, electronic, web-based system that automates the Sentence to Commitment (S2C) process by transferring data and documents electronically. eDesignate includes eMove, a transportation module that allows the USMS to submit movement requests electronically.

Since 2008, eDesignate has been fully operational in all 94 U.S. Federal Court districts. It is the enterprise technology solution used by the U.S. Courts, USMS, and BOP for Federal prisoner designations and JPATS movement requests. eDesignate eliminated the paper process and created a faster, more transparent, and effective workflow across agencies. Specifically, automated detainee data sharing for designation and movement eliminates redundant efforts, saves time, reduces errors, provides better visibility of the process, enables better problem resolution across agencies, and provides information necessary to manage more effectively.

eDesignate enables the BOP to complete sentence computations and dispositions for designation or return to the USMS. Disposition is based on the sentence length. In the case of a short-term sentence, the USMS maintains custody of the detainee until the sentence is served. For longer sentences, the USMS prepares the prisoner for movement to the commitment location. eDesignate delivers the necessary documents and data in one complete package to the BOP via a secure system, which saves detention costs by enabling all agencies to monitor and provide relevant information to shorten the post-sentence process.

Finally, eDesignate monitors performance objectives and metrics within and across agencies as well as gives managers the ability to watch and react to operational issues and trends. Managing and monitoring the S2C process via eDesignate has reduced the average number of days detainees are in the S2C pipeline.

eIGA: The USMS deployed the eIGA system in 2008 to manage its interaction with facility providers offering detention services. eIGA automates the application process by enabling a facility to provide essential information via a secure, web-based system and then provides the government with a reliable and justifiable structure for negotiation. The system streamlines the former paper-based process, tracks the negotiation between detention provider and the government, and provides audit and reporting tools.

FRMS: The FRMS is a web-based application developed to facilitate, standardize, record, and report the results of Quality Assurance Review (QAR) performed on private facility contract performance. The system documents and produces a comprehensive QAR report that provides consolidated facility information and historic data. FRMS information ensures the adequacy and sufficiency of services provided in non-Federal detention facilities that house Federal detainees. In 2008, FRMS received the Attorney General's Award for Information Technology Excellence based on its innovative concept, successful implementation, and continued program success.

Restrictive Housing: On March 1, 2016, the President issued a memorandum entitled "Limiting the Use of Restrictive Housing by the Federal Government," directing that "DOJ shall promptly undertake to revise its regulations and policies, consistent with the direction of the Attorney General, to implement the policy recommendations in the DOJ Report concerning the use of restrictive housing. DOJ shall provide an update on the status of these efforts no later than 180 days after the date of this memorandum." The USMS has developed a web-based automated process for use by State, local, tribal, territorial and private detention service providers to report basic information regarding the use of restrictive housing for USMS prisoners. This information includes monthly use and duration of restrictive housing, and immediate notification whenever a member of a vulnerable population is housed restrictively.

## 2. Performance Resources Table

PERFORMANCE AND RESOURCES TABLE												
Decision Unit: Detention Services												
Workload / Resources (\$ in thousands)			Target		Actual		Projected		Changes		Requested (Total)	
Note: Performance measures reflect amounts for base population.			FY 2020		FY 2020		FY 2021		Current Services Adjustments and FY 2022 Program Changes		FY 2022 Request	
Total Average Daily Population			64,274		61,571		61,115		-3,488		57,627	
State & Local Gov’t (IGA) Facilities			43,108		42,394		41,985		-4,421		37,564	
Private Facilities*			10,590		9,820		10,236		208		10,444	
Subtotal Non-Federal Facilities			53,698		52,214		52,221		-4,213		48,008	
Federal Facilities (BOP)			10,292		9,244		8,803		807		9,610	
Non-Paid Beds			284		113		91		-82		9	
Total Costs and FTE (\$ in thousands) (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)			FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
			27	\$1,867,461	24	\$1,962,075	30	\$2,171,609	8	\$1,594	38	\$2,170,015
TYPE	PERFORMANCE		FY 2020		FY 2020		FY 2021		Current Services Adjustments and FY 2022 Program Changes		FY 2022 Request	
Program Activity	Detention Services	Resources	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		Detainee Housing & Subsistence	27	\$1,867,461	24	\$1,962,075	30	\$2,171,609	8	-\$1,594	38	\$2,170,015
Efficiency	Per Day Jail Cost (Non-Federal)		\$86.28		\$90.77		\$96.51		-\$1.54		\$94.97	
Performance	Health Care Cost Per Capita (Non-Federal)		\$2,460		\$2,519		\$2,733		\$341.00		\$3,074	
Performance	# Targeted Non-Federal Facility Reviews Completed*		19		19		19		-14		5	
Outcome	Per Day Detention Cost		\$93.00		\$97.64		\$104.04		-\$4.20		\$99.84	
Outcome	# Targeted Non-Federal Facilities Meeting Minimum Standards		19 of 19		19 of 19		19 of 19				5 of 5	

\* The projected FY 2021 and FY 2022 private facility population levels shown here were calculated prior to publication of EO 14006. The final ADP will be lower than these levels, and will depend on the timing of prisoner transfers to other facilities as private contracts are discontinued.

PERFORMANCE MEASURE TABLE								
Decision Unit: Detention Services								
Performance Report and Performance Plan Targets		FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
		Actual	Actual	Actual	Actual	Actual	Target	Target
Efficiency Measure	Per Day Jail Costs (Non-Federal)	\$81.13	\$83.54	\$84.49	\$85.23	\$90.77	\$96.51	\$94.97
Performance Measure	Health Care Cost Per Capita (Non-Federal)	\$2,165	\$2,208	\$2,082	\$2,393	\$2,519	\$2,733	\$3,074
Performance Measure	# Targeted Facility Reviews (Non-Federal)	18	18	18	18	19	19	5
Performance Measure: Outcome	Per Day Detention Cost (Non-Federal)	\$86.82	\$89.34	\$90.17	\$91.80	\$97.64	\$104.04	\$99.84
Performance Measure: Outcome	Targeted Non-Federal Facilities (Private) Meeting Minimum Standards	100% 18 of 18	89% 16 of 18	100% 18 of 18	100% 18 of 18	100% 19 of 19	100% 19 of 19	100% 5 of 5

## **Definitions, Validation, Verification, and Limitations:**

### **1. Performance Measure: Average Daily Population (ADP)**

- a. Data Definition:** Number of prisoners in the custodial jurisdiction of the USMS on an average daily basis. ADP is calculated on a per capita, per day basis.
- b. Data Collection and Storage:** Data is maintained in the Capture. All prisoner statistical information is derived from Capture.
- c. Data Validation and Verification:** Monthly data are verified by comparing the data recorded in Capture with billing data provided by non-Federal detention service providers. Jail rate information is verified and validated against actual jail contracts.
- d. Data Limitations:** Limited by the timely entry of prisoner data into Capture.

### **2. Performance Measure: Per Day Jail Cost**

- a. Data Definition:** Actual average price paid per day (over a 12-month period) by the USMS to house Federal prisoners in non-Federal detention facilities. IGA jail cost represents the average cost paid by the USMS to house prisoners in facilities operated by state and/or local governments. Private jail costs represent the average cost paid by the USMS to house prisoners in facilities operated by non-governmental entities (such as for-profit corporations). Average price paid is weighted by actual jail day usage at individual detention facilities.
- b. Data Collection and Storage:** Data describing the actual price charged by state, local, and private detention facility operators is maintained by the USMS in Capture and it is updated on an as-needed, case-by-case basis when rate changes are implemented. Rate information for specific facilities is maintained by USMS headquarters staff. In conjunction with daily reports of prisoners housed, reports are compiled describing the price paid for non-Federal detention space on a weekly and monthly basis. Data are reported on both district and national levels.
- c. Data Validation and Verification:** Data reported are validated and verified against monthly reports describing district-level jail utilization and housing costs prepared by the USMS.
- d. Data Limitations:** Maintaining prisoner movement data is labor-intensive. Reliability of reported data is often compromised by time lags between the actual movement of prisoners and recording those events in Capture. Accordingly, it is often necessary to delay reporting of official statistics several weeks to ensure that prisoner movement records have been properly updated.

### **3. Performance Measure: Health Care Cost Per Capita**

- a. Data Definition:** Cost of health care services provided to Federal prisoners under the custodial jurisdiction of the USMS. Total health care costs include the costs of health services provided by medical practitioners and medical guard services. Per capita health care costs are determined by dividing total health care expenditures for the reporting period by the average daily prisoner population for that reporting period.

- b. Data Collection and Methodology:** Data describing funds obligated for prisoner health care services are reported through reports generated from the USMS financial system.
- c. Data Validation and Verification:** In accordance with generally accepted accounting principles, the USMS routinely monitors its financial data for new obligations and de-obligations.
- d. Data Limitation:** Data reported reflect the anticipated cost of services provided to USMS prisoners. In the event that the actual cost is different from the anticipated cost, additional funds may need to be obligated or obligated funds, de-obligated. Because of the time lag between the rendering of services and the payment of invoices, several weeks may lapse before the actual cost of health care services provided to an individual prisoner can be accurately determined.

#### **4. Performance Measure: Per Day Detention Cost**

- a. Data Definition:** Total detention costs represent the aggregation of paid jail costs and health care costs on a per capita, per day basis.
- b. Data Collection and Storage:** See items 2 and 3 above.
- c. Data Validation and Verification:** See items 2 and 3 above.
- d. Data Limitations:** See items 2 and 3 above.

#### **5. Performance Measure: Targeted Non-Federal Facilities Reviews and Targeted Non-Federal Facilities Meeting Minimum Standards**

##### **a. Data Definitions:**

Targeted Non-Federal Facilities: All private facilities receive a Quality Assurance Review (QAR), and all IGA facilities housing more than five USMS prisoners per year receive a Detention Facility Review (DFR).

Number of Targeted Reviews Completed: Targeted non-Federal facility QARs completed during the fiscal year.

Meeting Minimum Standards: In the QAR review process, a facility may receive one of five rating levels:

- Excellent: Level of performance exceeds minimum standards; deficiencies are nonexistent or minor.
- Good: Level of performance meets minimum standards; deficiencies are minor, offset by outstanding elements of performance.
- Acceptable: Level of performance meets minimum standards; deficiencies are minor.
- Deficient: Level of performance is weak; corrective action plans for internal controls are needed to maintain minimum standards.
- At-Risk: Level of performance does not meet minimum standards and requires immediate corrective action plans.

Facilities must receive a rating above the At-Risk level to be considered Meeting Minimum Standards.

Targeted Number of Private Facilities Meeting Minimum Standards: This percentage is calculated by dividing the Private Facilities Meeting Minimum Standards by the number of these facilities scheduled for review during the fiscal year.

- b. Data Collection and Storage:** Data describing the facility ratings and standards that are met by the individual facilities will be maintained in the FRMS system. In conjunction with the QAR reviews, state, local, and other agency reviews are maintained in the DFR system.
- c. Data Validation and Verification:** Data reported are validated and verified against QAR reports, repository information, state, local or other agency reported data (i.e. BOP Sentry, USMS Capture).
- d. Data Limitations:** Data reported often reflect a delay in reporting.

### 3. Performance, Resources, and Strategies

#### Program Activity: Detention Services

##### **FPD Performance Goal 1**

**Meet the Nation's detention requirements in the most economical manner.**

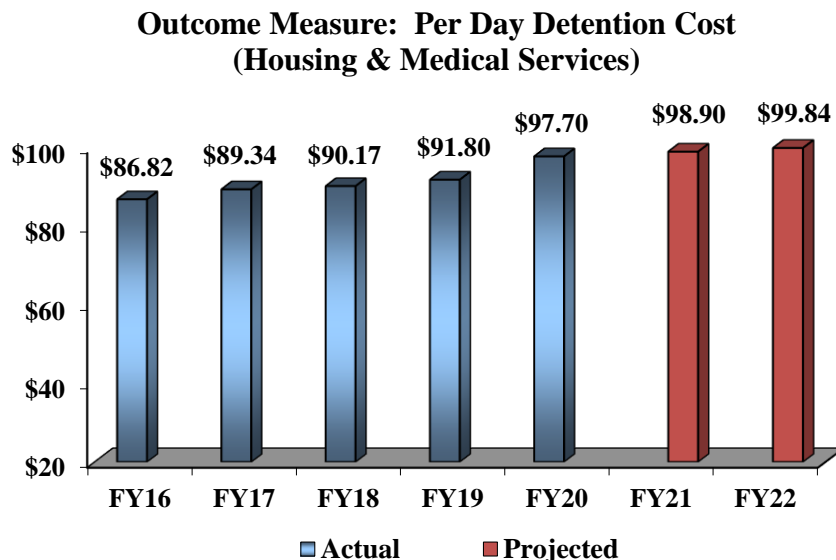
The USMS established a performance goal of maintaining per day detention costs at or below inflation to measure the success of obtaining detention space in the most cost-efficient manner. The chart and discussions identify the targeted level required to achieve that goal, and explain the mission challenges and strategies required to make the targeted level attainable.

##### **Performance Plan and Report:**

**Measure:** Per Day Detention Cost (Housing and Medical Services)

**FY 2020 Target:** \$93.00

**FY 2020 Actual:** \$97.70



##### **Challenge: Adequate Detention Beds**

When state and local governments need more capacity to house their own prisoners, fewer detention beds are available to accommodate Federal detainees. A reduction in state and local facility availability increases FPD reliance on private facilities that are habitually higher in cost.

**Strategy:** *Maximize the use of available bedspace.*

One goal of DSNet is to provide a means to monitor detention bedspace usage and to allow for improved oversight of non-Federal facility contracts and services. Timely and accurate data from JDIS and other systems will be integrated into DSNet dashboards and reports to query and monitor capacity and usage. As a consolidated detention services site, the DSNet will also

provide a vehicle for automated processing of IGAs, detention facility review information, and procurement data for agencies to assess, monitor, and manage detention bedspace. This will give district offices increased flexibility to determine the best value to the Federal government by leveraging available space, transportation, and care capabilities. The result is greater efficacy securing beds and other related services while holding detention costs down.

## **FPD Performance Goal 2**

**Ensure efficient use of detention space and minimize price increases.**

### **Challenge: Projection of IGA Increases**

DOJ uses intergovernmental agreements to establish relationships with state and local governments for the use of excess bedspace at a negotiated per diem rate. During the life of an agreement, a state or local government may request rate adjustments from DOJ. Historically, the USMS did not know the quantity, frequency, or magnitude of such adjustments; the lack of that information added to the difficulty of projecting accurate rate increases for budgeting purposes.

#### ***Strategy: eIGA.***

eIGA provides a measure of standardization for the cost and the manner in which IGA rates for state and local facilities are calculated. eIGA is used to establish a negotiated fixed per diem rate for each facility within the parameters of rates of similar local facilities and limits future per diem rate adjustments. The cost of housing detainees becomes more predictable as new trends and set prices are integrated with more comprehensive bedspace requirements. eIGA is adding more IGAs as new agreements are initiated and older agreements are renegotiated. The eIGA system also has reporting capabilities which enable more accurate, timely reports.

#### ***Strategy: Reduce prisoner processing time via eDesignate.***

eDesignate provides for a more efficient workflow between the U.S. Probation Offices, the USMS, and the BOP during the sentence-to-commitment process by significantly reducing the workload of agency personnel involved in the administratively taxing designation process. All 94 Judicial Districts are use eDesignate. In 2010, eDesignate was expanded to include JPATS movement requests.

#### ***Strategy: Increase use of detention alternatives.***

The USMS will continue to provide funding to the Federal judiciary to support alternatives to pretrial detention, such as electronic monitoring, halfway house placement, and drug testing and treatment. The budgetary savings of these alternatives to detention is substantial. The USMS provides the Administrative Office of the United States Courts (AOUSC) with \$4,000,000 annually to supplement its funding for alternatives to detention. If the defendants who were released on an alternative-to-detention program had been detained in a secure facility pending adjudication, the detention population would be higher and the costs to house those defendants would far exceed the amount provided to AOUSC.

**Strategy:** *Maintain/gain economies of scale through partnered contracting.*

The USMS will continue to partner with Immigration, Customs, and Enforcement (ICE) and BOP as appropriate on joint-use facilities to achieve the best cost to the Government. In this procurement process, each agency establishes a minimum level of bedspace usage to achieve the best prices. Approaching the negotiating process together eliminates the potential for competition between agencies. This methodology has worked well in the past and will continue for future negotiations as appropriate.

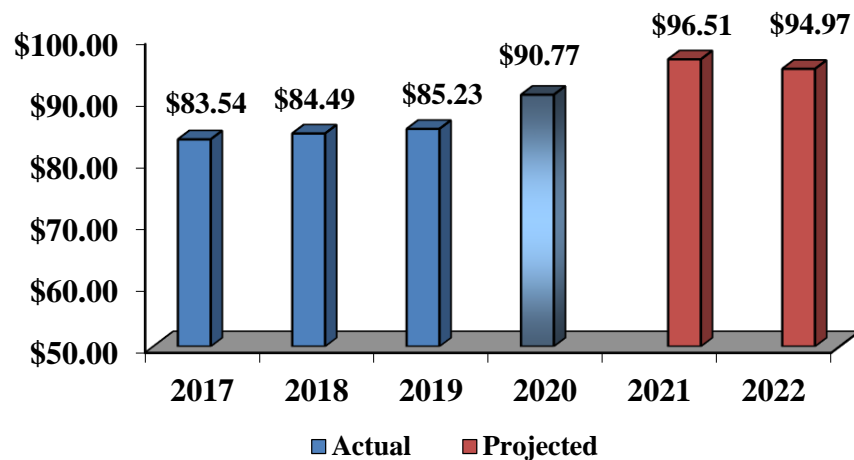
**Performance Plan and Report:**

**Measure:** Per Day Jail Cost

**FY 2020 Target:** \$86.28

**FY 2020 Actual:** \$90.77

**Efficiency Measure:  
Per Day Jail Cost by Fiscal Year**



**FPD Performance Goal 3**

**Ensure adequate medical services are provided in the most economical manner.**

**Challenge: Rising Medical Costs**

Ensuring appropriate medical care for detainees at or near detention facilities is an important facet of confinement conditions. Providing a uniform approach to these services at the best value to the Government, while minimizing the cumbersome process for field operations, is a challenge. The per capita cost increase for health care in FY 2022 is attributable to both COVID-19 and medical cost inflation.

**Strategy:** *National Managed Care Contract*

The USMS manages a National Managed Care Contract (NMCC) that establishes a national health care delivery system for USMS prisoners. The contract ensures that the USMS

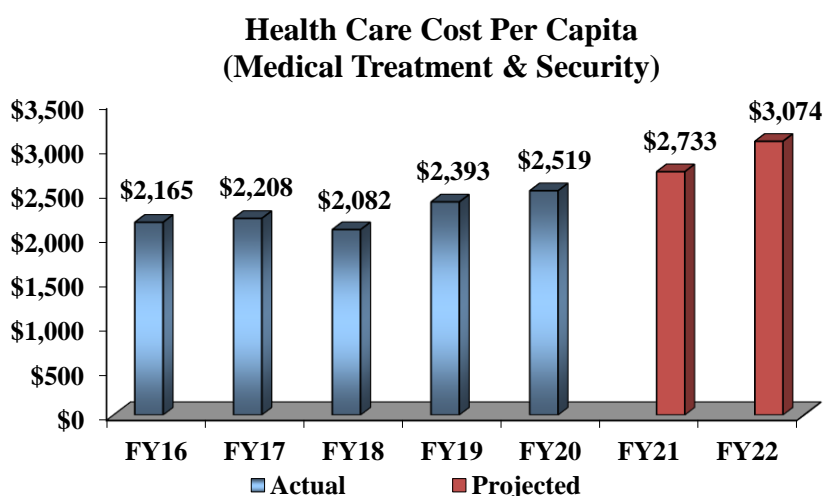
acquisition of medical services complies with Federal procurement statutes and regulations, and that USMS prisoner medical claims are re-priced to Medicare rates in accordance with the provisions of 18 U.S.C. 4006. The NMCC has also reduced the district administrative workload related to prisoner medical issues, because the NMCC contractor processes and pays all contract-related prisoner medical bills on behalf of the districts. Finally, the NMCC includes a national discount pharmacy program that allows the USMS to receive discounts on medications that it purchases for prisoner care. The NMCC has been fully implemented in all USMS districts.

### Performance Plan and Report:

**Measure:** Health Care Cost Per Capita (Medical Treatment and Security)

**FY 2020 Target:** \$2,460

**FY 2020 Actual:** \$2,519



### FPD Performance Goal 4

Ensure detention facilities meet established standards for confinement.

### Challenge: Varying Detention Standards

Concurrent with the desire to create detention efficiencies, the USMS must provide for safe, secure, and humane confinement of detainees. These competing imperatives are especially challenging given FPD's reliance on a large number of state, local, and private facilities. Confinement standards at these facilities vary according to local and state requirements. To address this, the USMS developed a comprehensive Quality Assurance Program that ensures facilities providing detention bedspace to the Federal government meet confinement standards.

### *Strategy: Continuation of the Comprehensive Quality Assurance Program*

The Quality Assurance Program is a multi-faceted approach to ensure safe, secure, and humane confinement of detainees and address public safety concerns (e.g., *Interstate Transportation of Dangerous Criminals Act*, also known as *Jenna's Act*). The Federal Performance-Based Detention Standards (FPBDS) provide the foundation for the program, while various program

components ensure compliance with standards by covering all aspects of detention from construction to operational review and training.

- **Performance-Based Contracts:** To define acceptable conditions of confinement, FPBDS was created in cooperation and coordination with the BOP, USMS, and ICE. The FPBDS provides objective standards to ensure that all providers achieve and maintain the standards. Federal contracts are written or modified to reflect the FPBDS for all private contract facilities. To ensure compliance with the standards, private contractor performance evaluation and, consequently, compensation are based on the facility's ability to demonstrate alignment with the standards.
- **Quality Assurance Reviews (QARs):** The QAR program conducts on-site reviews for Targeted Non-Federal Facilities, which are private facilities and select IGA facilities. If a contract review identifies facility deficiencies in service delivery, the facility develops a corrective action plan which the USMS monitors until the deficiencies are resolved. USMS implementation of QARs has led to a quantifiable improvement in detention services quality; in particular, the reduction in repeat deficiencies is notable. Cumulatively, these improvements resulted in higher ratings and services.
- **On-Site Monitoring:** On-site monitoring is the target monitoring of specific detention services (medical, transportation, food service, etc.) in support of the USMS detention program. Monitoring periods range from 30 days up to 1 year. Monitoring actions address functions identified as "At-Risk"; document and report corrective actions taken by the detention services provider to permanently resolve "At-Risk" and "Deficient" findings; and provide pro-active risk management.

The table below captures the categories of QARs and relative performance goals. All actively used IGA facilities receive an annual review utilizing the Detention Investigative Facility Report.

Outcome Measure: Percentage of Targeted Non-Federal Facilities Meeting Minimum Standards									
Facility		FY 2016	FY 2017	FY 2018	FY 2019	FY 2020		FY 2021	FY 2022
Type	ADP	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
Performance Goal: 100% Meet Minimum Standards									
Private	N/A	100%	89%	100%	100%	100%	100%	100%	100%
		18	16	18	18	18	19	19	5
Total		100%	89%	100%	100%	100%	100%	100%	100%
		18	16	18	18	19	19	19	5

#### **Performance Plan and Report:**

**Measure:** Number of Targeted Non-Federal Facilities Meeting Minimum Standards

**FY 2020 Target:** 19

**FY 2020 Actual:** 19

## V. Program Increases by Item

**Item Name:** Private Detention EO Implementation

**Budget Decision Unit(s):** Detention Services

**Organizational Program:** Prisoner Operations

**Program Increase:** Positions 0 Agt/Atty 0 FTE 0 Dollars \$75,000,000

### **Description of Item**

The USMS requests \$75,000,000 to aid in the transition from the use of private detention facilities. The requested funding will provide the resources necessary to transfer the prisoner population from the private facilities to alternate State and local Intergovernmental Agreement (IGA) facilities and the BOP.

### **Justification**

EO 14006, *Reforming Our Incarceration System to Eliminate the Use of Privately Operated Criminal Detention Facilities*, directs the Attorney General to discontinue DOJ contracts with privately-operated criminal detention facilities to ensure the safe and humane treatment of those in the Federal criminal justice system. This request implements EO 14006. In March 2021, the USMS began the process of ending contracts with private detention facilities set to expire within 90 days.

To implement EO 14006, USMS anticipates its partner agencies will need to adjust mission and functions to accommodate relocation of the USMS private prisoner population, which may have budget or resource implications for those partners. Within its ability, the BOP will need to facilitate internal prisoner transfers to accommodate USMS prisoners at facilities closest to the courthouses previously serviced by private facilities. Additionally, the USMS may need BOP and state/local transportation assets to support prisoner movement between BOP facilities, local IGAs, and courthouses. BOP may have to change the focus of some of its facilities to accomplish the dual mission of detention and incarceration as opposed to its current primary mission of overseeing only sentenced prisoners. State and local facilities may need upgrades to support population increases in the various judicial districts currently supported by private detention facilities as the USMS seeks to obtain space near Federal courthouses.

This request will ensure resources are provided for the transition of prisoners from private facilities. The USMS has identified the following requirements:

- Increased transportation costs due to the increased number of facilities needed to house USMS prisoners.
- Increased transportation costs due to housing prisoners further from the local courthouse area.

- Increased costs for medical guards and transportation services previously provided by the private detention facilities.
- Increased costs to house prisoners with medical conditions when a new facility has a lower capability for medical care than the private facility previously in use. The USMS will need to compensate partners for specialized medical needs or require 24/7 guard service if hospitalization is the only alternative.
- Funding necessary to assist state and local facilities with implementation of the EO, such as cooperative agreements (CAP) to expand or renovate local facilities or increased per diem rates to accommodate increased staffing requirements.
- Funding necessary to assist/reimburse Federal partners for costs associated with implementation of the EO.

Incremental consolidations of USMS prisoners will continue as contracts expire.

### **Impact on Performance**

Addressing inequities in Federal, State, and local criminal justice systems and eliminating the Federal use of private detention facilities are Administration and Attorney General priorities.

## **Funding**

### **1. Base Funding**

FY 2020 Enacted				FY 2021 Enacted				FY 2022 Current Services			
Pos	Agt/ Atty	FTE	Amount (\$000)	Pos	Agt/ Atty	FTE	Amount (\$000)	Pos	Agt/ Atty	FTE	Amount (\$000)
0	0	0	\$0	0	0	0	\$0	0	0	0	\$0

### **2. Personnel Increase Cost Summary**

Not Applicable

### **3. Non-Personnel Increase/Reduction Cost Summary**

Non-Personnel Item	FY 2022 Request (\$000)	Unit Cost (\$000)	Quantity	Annualizations (\$000)	
				FY 2023 (net change from 2022)	FY 2024 (net change from 2023)
Private Detention EO Implementation	\$75,000			\$0	\$0
<b>Total Non-Personnel</b>	<b>\$0</b>			<b>\$0</b>	<b>\$0</b>

### **4. Justification for Non-Personnel Annualizations**

The requested amount is expected to fully recur to ensure resources are provided for the transfer of the prisoner population from the private facilities to alternate state and local/Intergovernmental Agreement (IGA) facilities and the BOP.

### **5. Total Request for this Item**

Category	Positions			Amount Requested (\$000)			Annualizations (\$000)	
	Count	Agt/ Atty	FTE	Personnel	Non- Personnel	Total	FY 2023 (net change from 2022)	FY 2024 (net change from 2023)
Current Services	0	0	0	\$0	\$0	\$0	\$0	\$0
Increases	0	0	0	\$0	\$75,000	\$75,000	\$0	\$0
<b>Grand Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>\$0</b>	<b>\$75,000</b>	<b>\$75,000</b>	<b>\$0</b>	<b>\$0</b>

### **6. Affected Crosscuts**

Criminal Justice Reform

**Item Name:** **Information Technology Infrastructure**

**Budget Decision Unit(s):** Detention Services

**Organizational Program:** Prisoner Operations

**Program Increase:** Positions 2 Agt/Atty 0 FTE 1 Dollars \$12,193,000

### **Description of Item**

The USMS requests an increase of two positions, one FTE, and \$12,193,000 to modernize, replace and consolidate outdated prisoner management information systems, which will result in operational efficiencies, new mobile computing capabilities, increased officer safety and improved internal and external information sharing across all District Offices and Headquarters. The USMS is planning to design and implement the functionality described below using Commercial Off-the-Shelf (COTS) products, some of which are available through already established DOJ/USMS licensing agreements.

The requested increase includes:

**Biometrics Identity Management** – An increase of \$8,000,000 to design and implement biometric technology that will allow a more efficient process for prisoner identification while in USMS custody. An increase of \$193,000 for two positions to manage the detention technology initiatives within the Office of Detention Technology (ODT) program office.

**Capacity Management and Transportation System** – An increase of \$4,000,000 to design and implement a geospatial intelligence and transportation system which would provide a visual interface to display real time and historical data in map form using Geographic Information System (GIS).

### **Justification**

#### *Biometrics Identity Management*

This solution will utilize biometric verification to allow for secure and expeditious prisoner movement while escorted through cellblocks, court production, and prisoner transport.

While prisoners are traveling between detention facilities, courthouses, and cellblocks, it can be extremely difficult to maintain accurate prisoner records regarding prisoner locations. Currently, monitoring prisoner movements requires USMS personnel to accurately identify individual prisoners by sight as they pass through entry and exit points within the courthouse.

With the requested resources, the USMS is planning to design and implement a biometric solution to track prisoners and improve the efficiency of USMS personnel while making the courthouse safer.

The biometric validation can be used in the following cases:

- a. **Booking/Intake & Release** – Utilizing the Capture Intake process, the information collected will include physical description, biographic, and biometric data that is entered into a booking station/kiosk. The collected data will be used for both enrollment and identification purposes throughout the prisoner’s Federal custody. This process is the most vulnerable because of the risk, such as booking or releasing the incorrect person, associated with this business process. The USMS submits the arrest information (biographic and biometric) to the Federal Bureau of Investigation as part of the prisoner intake process. This is required of all Federal law enforcement agencies.
- b. **Macro Movements** – This process involves ground transportation of prisoners to other facilities. USMS personnel mobile devices will update the prisoner’s location within Capture, the USMS’ mission and case management system, via the prisoner’s fingerprint or iris recognition.
- c. **Micro Movements** – Prisoners that are moving within the same facility will be captured on existing cameras in conjunction with an iris or fingerprint recognition system that will update prisoner location changes within Capture.
- d. **Crisis Management** - Biometric technology is especially helpful during a crisis, such as the COVID-19 pandemic because it has thermal detection capabilities that will detect elevated body temperatures to identify sick prisoners.
- e. **Capture Interoperability** - All biometric identity initiatives will produce subject data that will be fully integrated with Capture. The underlying biometric technology platforms (i.e., facility security camera with iris software) may exist independently from Capture, but—wherever possible—the data generated from these initiatives will directly interface with existing subject profiles within Capture, and empower Capture operators with quicker, better-informed decisions.

**Detention Technology Specialist (DTS)** – The ODT responsibilities have expanded to include management and oversight of the USMS Justice Automated Booking Station (JABS) in 2020 and the deployment of a new biometric Prisoner Enrollment Verification Station (PEVS). As the workload and responsibilities of the ODT have grown, additional staff is required to respond to the increased demand for information and services provided by the ODT.

The DTS positions will serve as regional points-of-contact and manage detention technology projects as well as track and monitor trends and develop trend and focused program reports based upon data and reports analysis. They will translate program reports and data to assist ODT in driving program cost savings, develop risk management strategies and drive efficiencies associated with ODT program and business decisions. The addition of these two administrative positions is essential to support the ODT in its mission and function.

## *Capacity Management and Transportation System*

This solution will allow for the optimization of detention facility housing and transportation using analytics and geospatial intelligence.

The Geographical Information System (GIS) will integrate hardware, software, and data to obtain, manage, analyze, and display all forms of geographically referenced information. As this decision support system will exist external to Capture, it will be designed with interoperability in mind and will leverage Capture as a source of record for detention facility profile data that allows for a focused deep-dive analysis into facility resources, prior to enacting prisoner movement decisions in the Capture mission system. These complicated what-if-analyses capabilities will serve as an operational decision-making tool prior to spending facility resources within Capture. Wherever possible, data outputs from these initiatives will directly enrich existing prisoner and facility profiles within Capture. The Mapping component will allow other internal and external data sources to overlay such as real time weather data, distance between facilities and district offices, travel times, fuel costs and available transportation routes.

The program increase would improve efficiencies in the following functional areas:

- a. **Critical Incident Response Mapping (CIRM)** – Map overlays of real time weather and civil disaster information for preparedness and advance response to significant meteorological or manmade disasters will be provided. The GIS will automate and adjust in real time presenting the data necessary for intelligent decision making and contingency response to the current conditions.
- b. **Detention Management & Monitoring System (DMMS)** – GIS will provide real time data tracking of current prisoner populations and housing costs. The districts will be provided the tools necessary to make informed decisions that will result in USMS cost savings through efficient use of existing resources.
- c. **Medical Evaluation Dashboard System (MEDS)** – GIS will provide information related to detention facility medical services and surrounding community supported services to be used by Office of Medical Operations to assist in placement of prisoners with serious medical needs. It will provide an analysis of medical predictors to identify “hot zones,” both at the district and facility levels, which will allow for a more proactive response. GIS also will support developing contingency evaluation and response plans for potential medical emergencies within the jail environment (e.g., viral outbreaks) and access outside medical resources relative to jail facility location. It will support the need to provide improved health care alternatives to the USMS prisoner population.
- d. **Geospatial Statistical Analytics (GSA)** – GSA will provide statistical analysis of facility usage, average daily population, and costs. The modeling and projection tools can be used to create “what if” scenarios to measure the consequential impact of changes to current detention plans. Also, it can provide the current and historical district information necessary to develop the District Personality Archetype that would build the unique “character” or “personality” of a district to evaluate how other outside factors

would impact the district. It would have the capability to create visualizations of the flow of the prisoner populations in relation to the court status lifecycle.

- e. **Prisoner Tracking** – The GIS will allow better tracking of high-risk prisoners, prisoners with serious medical conditions, and prisoners with release orders.

### **Impact on Performance**

The USMS requires additional resources to effectively develop a comprehensive IT environment that will modernize technology, allow for better data sharing, and facilitate greater efficiencies across the agency. Without these resources, the USMS will be limited in its abilities to meet the needs of detention operations.

## Funding

### 1. Base Funding

FY 2020 Enacted				FY 2021 Enacted				FY 2022 Current Services			
Pos	Agt/Atty	FTE	Amount (\$000)	Pos	Agt/Atty	FTE	Amount (\$000)	Pos	Agt/Atty	FTE	Amount (\$000)
1	0	1	\$15,176	1	0	1	\$16,503	1	0	1	\$11,703

### 2. Personnel Increase Cost Summary

Type of Position/Series	Positions Requested	Annual Costs per Position* (\$000)			FY 2022 Request (\$000)	Annualizations (\$000)	
		1st Year Adjusted Cost	2nd Year Adjusted Cost	3rd Year Full Cost (Modular)		FY 2023 (net change from 2022)	FY 2024 (net change from 2023)
Clerical and Office Svcs (0300-0399)	2	\$96.647	\$142.207	\$202.375	\$193	\$91	\$121
<b>Total Personnel</b>	<b>2</b>				<b>\$193</b>	<b>\$91</b>	<b>\$121</b>

\* Annual Costs per Position:

1st Year Adjusted Cost assumes hiring at the minimum grade level and applies a 50% lapse to pay and benefits, reflecting the distribution of hiring new personnel throughout an entire year.

2nd Year Adjusted Cost restores the pay and benefits lapse, removes one-time only costs that are applicable only to the first year, and assumes an increase in pay grade where applicable.

3rd Year Full Cost (Modular) is the standardized full-year cost for each position which includes pay and benefits at the full performance or journeyman level, equipment, training, and miscellaneous expenses.

### 3. Non-Personnel Increase/Reduction Cost Summary

The request includes software, hardware and training needed to design and implement biometric technology that will allow a more efficient process for prisoner identification while in USMS custody. Specifically included are:

- Biometric technology training provided to staff that will assist with designing and supporting the biometric identity management system.
- Fingerprint readers, sensors and security cameras within USMS cellblocks that verify/validate prisoner identification and track prisoner movement.
- Travel costs associated with staff traveling to USMS offices in support of deployment of biometric technology, onsite support and training of USMS operational staff.

The request also includes two contractors to provide ongoing detention technology development support and associated software/hardware to design and implement a capacity management and transportation system that would provide a visual interface to display real time and historical data in a management dashboard consisting of visual data analytics and geospatial maps.

Specifically included are:

- Software and hardware that collect, store and process prisoner, facility and transportation data in real-time.
- Software licenses to provide mapping functionality for detention vehicle tracking and route optimization.

Non-Personnel Item	FY 2022 Request (\$000)	Unit Cost (\$000)	Quantity	Annualizations (\$000)	
				FY 2023 (net change from 2022)	FY 2024 (net change from 2023)
Contract Labor	\$450	N/A	N/A	\$0	\$0
Software	\$4,500	N/A	N/A	-\$2,500	\$0
Equipment	\$6,500	N/A	N/A	-\$5,200	\$0
Other Services	\$550	N/A	N/A	\$0	\$0
<b>Total Non-Personnel</b>	<b>\$12,000</b>	<b>N/A</b>	<b>N/A</b>	<b>-\$7,700</b>	<b>\$0</b>

#### **4. Justification for Non-Personnel Annualizations**

The requested annualization is for annual recurring operations and maintenance (O&M) costs. These costs include:

- \$450,000 for contract labor consisting of two full-time contractors to design, build and provide O&M support for the Capacity Management and Transportation System.
- \$2,000,000 for software/hardware maintenance. This funding will provide for the recurring cost of software licenses and hardware maintenance.
- \$550,000 for other services that consists of specialized biometric training for USMS personnel and mission required travel to USMS sites for deployment and support.

**5. Total Request for this Item**

Category	Positions			Amount Requested (\$000)			Annualizations (\$000)	
	Count	Agt/Atty	FTE	Personnel	Non-Personnel	Total	FY 2023 (net change from 2022)	FY 2024 (net change from 2023)
Current Services	1	0	1	\$202	\$11,501	\$11,703		
Increases	2	0	1	\$193	\$12,000	\$12,193	-\$7,609	\$121
<b>Grand Total</b>	<b>3</b>	<b>0</b>	<b>2</b>	<b>\$395</b>	<b>\$23,501</b>	<b>\$23,896</b>	<b>-\$7,609</b>	<b>\$121</b>

**6. Affected Crosscuts**

N/A

**Item Name:** **Program Oversight**

Budget Decision Unit(s): Detention Services

Organizational Program: Prisoner Operations

Program Increase: Positions 7 Agt/Atty 0 FTE 4 Dollars \$677,000

### **Description of Item**

The USMS requests seven positions, four FTE, and \$677,000 for the Office of Detention Standards and Compliance (ODSC) to accommodate the demanding workload associated with detention program oversight and reporting requirements. The requested positions include two Regional Area Chiefs (RAC), three Regional Detention Monitors, and two Program Analysts (PA) that will provide the additional oversight and expertise necessary to monitor the detention services provided by non-Federal entities.

### **Justification**

The ODSC is responsible for detention management and oversight to ensure the safe, secure and humane confinement of persons in Federal custody. Therefore, the USMS remains vigilant in maintaining the operational integrity of the facilities that house USMS prisoners. The additional positions requested will provide increased monitoring of detention services and provide the additional staff needed to effectively and efficiently perform the organizational mission.

Currently, the ODSC has six FTE located at USMS Headquarters (HQ) and 10 Detention Monitors (DMs). In FY 2021, six additional positions (five DMs and one Detention Facility Specialist) were received. Prior to FY 2021, the DMs were located within private contract detention facilities where they conducted oversight and surveillance of contractor performance. Due to the implementation of EO 14006, DMs are transitioning to perform oversight of detention standards that apply to state and local facilities and to transportation and medical guard services. The ODSC HQ staff not only serves a support function, but also oversees execution of the compliance program and both designs and monitors program initiatives.

The daily demands of managing DM oversight responsibilities along with the increased demand for information and services provided by the ODSC have strained the staff. To adequately manage the oversight program, the USMS is requesting an additional seven positions to handle the increased demands of the ODSC.

- 1. Regional Area Chief (RAC) – two positions and \$193,000.** The USMS requests two positions to provide accessible supervision to the DMs in their assigned regions. Currently, the DM's direct supervision is located in the ODSC at USMS HQ, which makes the ability to provide direct supervision, management, oversight, and program support to the DMs impractical and very costly when ODSC staff have to travel coast-to-coast to accomplish this task. The addition of the RACs will increase the ODSC's

management bandwidth and allow immediate on-site support and direct supervision and management of the DMs. Specifically, these requested positions will:

- Represent and serve as ODSC liaison with Federal, state and local counterparts at the management level.
- Supervise all DMs in their regions.
- Attend district regional meetings (representing ODSC).
- Ensure HQ and DOJ level programs are executed in their regions.
- Provide first line review of Reduction Packages, Loss of Confidence Notice and similar notifications.
- Oversee program execution at the ground level for the Prison Rape Elimination Act, First Step Act, Restrictive Housing Unit, COVID-19, Next Step Act, and Detention Facility Review Program.
- Provide oversight for the General Services Administration's Guard and Transportation Service program.

**2. Regional Detention Monitors – *three positions and \$290,000*.** The USMS requests three positions to perform the following oversight functions:

- Conduct/oversee all Quality Assurance Reviews (QAR) in their region.
- Assist with jail inspections and jail inspection training in their region.
- Verify ground level execution of corrective action plans.
- Conduct Guard and Transportation Service performance monitoring and compliance.
- Represent and serve as ODSC liaison with Federal, state and local jails at the facility level.
- Support other DMs and provide on-site monitoring for their region by filling in for prolonged leave, training, and other extended absences.

**3. Program Analyst (PA) – *two positions and \$194,000*.** The USMS requests two positions to manage the tremendous increase in reports and program compliance data that has resulted from expansion of the ODSC program office. The ODSC has expanded with the additions of the DMs, the Detention Facility Review Program, and the National Guard and Transportation Service Program. As the workload and responsibilities of the ODSC has grown, additional staff is required to review reports and respond to the increased demand for information and services provided by the ODSC. The PA positions will:

- Track and analyze program data and reports.
- Track reimbursements.
- Monitor program cost and trends to develop focused program reports based on data analysis.

- Translate program reports and data to assist ODSC in driving program cost savings.
- Develop risk management strategies and drive efficiencies associated with ODSC program and business decisions.
- Prepare and coordinate responses to requests for information from oversight government offices, such as the DOJ Office of the Inspector General and the Government Accountability Office.

The addition of these positions is essential to strengthen the ODSC oversight function. It will allow ODSC HQ staff to better focus its efforts on program management, development and execution of program enhancements and better oversight of workload and reporting requirements.

### **Impact on Performance**

With these additional positions, the USMS will increase its ability to provide timely, accurate information for sufficient oversight. Additionally, the existence of these positions has a direct impact on the quality of service provided to the USMS and maximizes the safe, secure, and humane treatment of USMS prisoners. The RACs and DMs will be located near existing large IGA facilities and major airports. The PA will be located at USMS HQ.

## Funding

### 1. Base Funding

FY 2020 Enacted				FY 2021 Enacted				FY 2022 Current Services			
Pos	Agt/ Atty	FTE	Amount (\$000)	Pos	Agt/ Atty	FTE	Amount (\$000)	Pos	Agt/ Atty	FTE	Amount (\$000)
10	0	10	\$3,400	16	0	13	\$5,482	16	0	16	\$5,684

### 2. Personnel Increase Cost Summary

Type of Position/Series	Positions Requested	Annual Costs per Position* (\$000)			FY 2022 Request (\$000)	Annualizations (\$000)	
		1st Year Adjusted Cost	2nd Year Adjusted Cost	3rd Year Full Cost (Modular)		FY 2023 (net change from 2022)	FY 2024 (net change from 2023)
Clerical and Office Svcs (0300-0399)	2	\$96.647	\$142.207	\$202,375	\$194	\$91	\$120
Business & Industry (1100-1199)	5	\$96.647	\$142.207	\$202,375	\$483	\$228	\$301
<b>Total Personnel</b>	<b>7</b>				<b>\$677</b>	<b>\$319</b>	<b>\$421</b>

\* Annual Costs per Position:

1st Year Adjusted Cost assumes hiring at the minimum grade level and applies a 50% lapse to pay and benefits, reflecting the distribution of hiring new personnel throughout an entire year.

2nd Year Adjusted Cost restores the pay and benefits lapse, removes one-time only costs that are applicable only to the first year, and assumes an increase in pay grade where applicable.

3rd Year Full Cost (Modular) is the standardized full-year cost for each position which includes pay and benefits at the full performance or journeyman level, equipment, training, and miscellaneous expenses.

### 3. Non-Personnel Increase/Reduction Cost Summary

Not Applicable

Non-Personnel Item	FY 2022 Request (\$000)	Unit Cost (\$000)	Quantity	Annualizations (\$000)	
				FY 2023 (net change from 2022)	FY 2024 (net change from 2023)
N/A					
<b>Total Non-Personnel</b>	<b>\$0</b>			<b>\$0</b>	<b>\$0</b>

### 4. Justification for Non-Personnel Annualizations

Not applicable

**5. Total Request for this Item**

Category	Positions			Amount Requested (\$000)			Annualizations (\$000)	
	Count	Agt/Atty	FTE	Personnel	Non-Personnel	Total	FY 2023 (net change from 2022)	FY 2024 (net change from 2023)
Current Services	16	0	16	\$4,184	\$1,500	\$5,684	\$340	\$0
Increases	7	0	4	\$677	\$0	\$677	\$319	\$421
<b>Grand Total</b>	<b>23</b>	<b>0</b>	<b>20</b>	<b>\$4,861</b>	<b>\$1,500</b>	<b>\$6,361</b>	<b>\$659</b>	<b>\$421</b>

**6. Affected Crosscuts**

Not Applicable